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PREPARATORY COMMISSION FOR THE
INTERNATIONAL SEABED AUTHORITY
AND FOR THE INTERNATIONAL TRIBUNAL
FOR THE LAW OF THE SEA
Special Commission 3
New York, 10-21 August 1992

DRAFT REGULATIONS ON PROSPECTING, EXPLORATION AND EXPLOITATION OF POLYMETALLIC NODULES IN THE AREA*

PART XI

LABOUR, HEALTH AND SAFETY STANDARDS

Working paper by the Secretariat

Article 1

Scope of these regulations**

These regulations apply to the labour, health and safety standards for carrying out activities in the Area.

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* Preliminary suggestions of the Chairman prepared in order to assist the consultations on the revision of documents LOS/PCN/SCN.3/WP.6/Add.8 and LOS/PCN/SCN.3/WP.6/Add.8/Corr.1.

** The draft regulations on labour, health and safety standards dealing with obligations and responsibilities of the sponsoring State, liability, penalties, application to the Enterprise, review of rules, regulations and procedures and disputes settlement will be harmonized with those applying to other parts of the draft regulations on prospecting, exploration and exploitation of polymetallic nodules in the Area, particularly to part VIII (LOS/PCN/SCN.3/WP.6/Add.5/Rev.1).

PART XI

LABOUR, HEALTH AND SAFETY STANDARDS

Article 158

Protection of workers

1. Activities in the Area shall be carried out under such conditions that the workers employed in such activities are afforded adequate protection in the fields of occupational safety and health, labour relations, conditions of work, social security, employment security and living conditions at the work site.

2. Each contractor shall in carrying out activities in the Area observe and comply with the internationally recognized labour standards as specified in the conventions and recommendations of the International Labour Organisation and other relevant international organizations without prejudice to applicable national legislations establishing higher standards of protection for workers.

3. The Council shall identify and approve applicable provisions of the conventions and recommendations referred to in paragraph 2 above. They shall be reviewed periodically.

Article 159

Discrimination

Equality of opportunity and treatment in respect of employment and occupation shall not be denied to workers on the ground of race, colour, sex, religion, political opinion, national extraction or social origin.

Article 160

Safety of vessels 1/

1. Each contractor shall comply with the applicable rules and regulations of the competent international organization concerning the safety of vessels, including the safety of life at sea and the prevention of collisions.

2. The Council, in consultation with the competent international organization, shall establish:

(a) A list of the rules and regulations referred to in paragraph 1; and

(b) Additional rules, regulations and procedures, if deemed necessary.

1/ Article 146, A3/17(1)(b)(xii).

3. Each vessel used for carrying out activities in the Area shall:

(a) Possess current valid certificates issued under relevant international conventions for safety of life at sea to which the vessel's flag State is a party; or

(b) If the vessel's flag State is not a party to such conventions, meet all applicable structural and safety requirements contained in the published rules of a member of the International Association of Classification Societies.

Article 161

Safety of installations 2/

Each contractor shall ensure that:

(a) Installations used for carrying out activities in the Area shall at all times be kept in a safe and proper condition in compliance with the applicable international regulations concerning the safety of life at sea and the rules, regulations and procedures of the Authority;

(b) Installations shall;

(i) Be designed, equipped, constructed and operated with proper regard for the safety of personnel;

(ii) Have satisfactory access and evacuation facilities;

(iii) Be adequately equipped with effective disaster response, fire-fighting and rescuing equipment;

(iv) Be equipped with telecommunications for necessary communication;

(c) Planning of new installations and new equipment, and modifications of existing installations and equipment, shall give consideration to equipment currently available and new technology as necessary, thereby maintaining a safety level concurrent with technological development.

2/ The term "installations" is defined in the draft regulations on accommodation of activities in the Area to include vessels (LOS/PCN/SCN.3/WP.6/Rev.1, art. 2).

Article 162*

Safety contingency plans 3/

1. Each contractor shall prepare safety contingency plans for installations used for carrying out activities in the Area. Such plans shall be submitted in writing for the Authority's approval prior to the operation of any such installation. The contingency plans shall establish appropriate measures for dealing effectively with contingencies and, in particular, shall include arrangements for:

(a) The immediate raising of alarm in the area of the activities;

(b) The rescue of persons;

(c) Immediate notification to the Secretary-General and, where appropriate, neighbouring coastal States;

(d) A continuing flow of full information, relating to particulars of the contingency measures already taken and further action required, to the Secretary-General;

(e) As appropriate, cooperation among contractors to respond to a contingency; and

(f) Periodic and regulation drills and exercises to ensure that all required installations, facilities, equipment, materials and supplies are in proper working order and that the contractor's personnel have been properly trained in their uses.

2. Each contractor shall ensure that workers employed in carrying out activities in the Area are thoroughly familiar with such plans and are properly qualified and have adequate training and practice in carrying them out.

3. Each contractor shall send to the Secretary-General within thirty days before the end of each calendar year, a certificate signed by its chief executive officer confirming that all required installations, facilities, equipment, materials and supplies, are in place and in proper working order, and that the contractor's personnel have been properly trained in their use.

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* It was suggested by certain delegations that the obligations of contractors were already dealt with in article 161 (Safety of installations) and therefore reference to certificates in paragraph 3 should be deleted. Furthermore, it was proposed that paragraphs 3 and 4 of the article were superfluous and should be deleted. A counter view was that those two paragraphs were not superfluous since they were concerned with the safety of human life and should therefore be retained.

3/ See article 112 of the draft regulations for the protection and preservation of the marine environment from unacceptable changes resulting from activities in the Area (LOS/PCN/SCN.3/WP.6/Add.5/Rev.1).

4. In the event that the Secretary-General finds that any such certificate is false or misleading in any material respect, he shall refer the matter to the Legal and Technical Commission. If the Commission determines that any such certificate is false or misleading in any material respect, it may recommend that the Council take action in accordance with the rules, regulations and procedures of the Authority.

Article 163

Annual reports 4/

1. Each contractor shall submit an annual report on the labour, health and safety standards relating to its activities in the Area to the Secretary-General within ninety days after the end of each calendar year.

2. Each report shall contain data and information on any incident significantly affecting the health or safety of workers and any dispute or complaint significantly affecting the terms and conditions of work applicable to workers employed in carrying out activities in the Area.

3. The reports shall be made publicly available.

Article 164

Notification and reports of incidents 5/

1. Each contractor shall immediately notify the Secretary-General of any incident or immediate threat thereof arising from its activities in the Area, including any incident relating to vessels or installations, which affects or is likely to affect seriously the safety of human life.

2. The contractor shall promptly submit to the Secretary-General a report containing the details of such incident, including, inter alia:

(a) The location of the incident;

(b) The effect such incident has had and is likely to have on the safety of human life, including the nature and extent of any injuries sustained;

(c) The description of the action being taken to prevent, contain, minimize and remedy any harm incurred; and

(d) Other information as may be required by the relevant rules, regulations and procedures.

4/ This article could be combined with article 113 of the draft regulations on the marine environment (ibid.).

5/ This article could be combined with article 114 of the draft regulations on the marine environment.

Article 165

Emergency orders 6/

1. In the event that the Secretary-General receives a notification in accordance with article 164, paragraph 1, he shall transmit it immediately to the Council and the Legal and Technical Commission.

2. Pending any action by the Council, the Secretary-General may take any immediate measures which should be practical and reasonable in the circumstances to ensure the effective protection of human life.

3. The Legal and Technical Commission shall meet as soon as possible after having been notified and shall consider, taking into account the measures already taken by the contractor and by the Secretary-General, which measures are necessary for the effective protection of human life. It shall make relevant recommendations to the Council.

4. After having received the recommendations of the Legal and Technical Commission, the Council shall meet as soon as possible and decide on the recommendations submitted by the Legal and Technical Commission.

5. Taking into account the recommendations of the Legal and Technical Commission, the Council may issue emergency orders which may include orders for the suspension or adjustment of operations to ensure the effective protection of human life.

Article 165 bis

Inquiries into incidents

1. The Council may establish an inquiry into the causes and circumstances surrounding any incident in which there has been serious personal injury or loss of human life. Any such inquiry shall be conducted by the Legal and Technical Commission.

2. Upon receipt of the findings of the Legal and Technical Commission the Council shall take appropriate measures and shall make its report publicly available.

6/ See article 117 of the draft regulations on the marine environment.

Article 166*

Inspectors

1. Each contractor shall permit the Authority to send its inspectors on board installations used by the contractor to carry out activities in the Area in order to monitor the contractor's compliance with the terms and conditions of the contract and these regulations concerning the labour, health and safety aspects of carrying out activities in the Area.

2. Each contractor shall assist the inspectors in the performance of their duties and provide:

(a) Information on performance on all relevant equipment, facilities and personnel on installations,

(b) Access, at all reasonable times, to all relevant equipment, facilities and personnel on installations.

3. Each inspector shall have access to the records of any installation, including its log and documentation, and all other recorded data which are necessary for monitoring the contractor's compliance.

4. Inspectors shall avoid interference with safe and normal operations on installations.

5. Inspections shall not impose an undue burden on the operation of installations visited.

6. No contractor or employee of a contractor shall interfere with inspectors in the performance of their duties.

7. The Secretary-General shall give reasonable notice to the contractor of, inter alia:

(a) The name of the inspector;

(b) The length of time which the inspector is likely to be on board an installation; and

(c) Activities of the inspector that are likely to require the assistance from personnel of the installation to facilitate the performance of his tasks.

8. The inspectors shall transmit their reports to the Secretary-General, who will subsequently transmit them to the sponsoring State.

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* It was suggested by some delegations that all references to inspectors found in separate parts of the mining code should be included in one chapter and that its wording should be general so as to cover various situations.